

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 8, 10, 21, 23, 30 and 31 stand rejected under 35 USC §102(b) over Benedikt et al. Applicants respectfully disagree since Benedikt et al. does not show all the features required by Applicants' claims, as would be required by the MPEP to support a §102(b) rejection. In particular, and in regard to claim 8, it requires that the nozzle insert include both an internal valve seat and an external valve surface. Benedikt et al., on the other hand, shows an external valve seat 42, but nothing that could be fairly characterized as either an external valve surface or an internal valve seat. There should be no dispute that Benedikt et al. teaches a fuel injector structure with an outwardly opening valve member 12 that moves with respect to item 2, which was identified in the office action as being Applicants' claimed nozzle insert. Thus, at best, only one of Applicants' claimed valving features can be misread onto the valve seat 42 of Benedikt et al., but that still leaves Benedikt et al. short in disclosing Applicants' claimed invention. The Office Action identifies the contact area between Benedikt et al.'s items 2 and 3 as being Applicants' claimed external valve surface. This is unfair since item 2 of Benedikt et al. is merely mounted in item 3, but the two components have no valving interaction of a type that would be required in order to reject Applicants under 35 USC §102(b). Therefore, Applicants respectfully request that the outstanding §102(b) rejections be withdrawn since Applicants' claimed combination of a valve surface and valve seat on the nozzle insert cannot be misread onto anything fairly taught by Benedikt et al.

In an effort to better prevent Applicants' claims from being misread onto Benedikt et al., Applicants have amended claim 8 to make it clear that the external valve surface is for contacting and closing a valve seat, and that the internal valve seat is for receiving a valve member. These amendments do not substantively alter the claim scope, but merely

make explicit that which was implicit in the claim as originally filed. In other words, Applicants use the term "valve surface" to refer to a surface on a valve member that contacts and closes a valve seat, and refer to a "valve seat" as being a surface feature that receives a valve member to contact the same. Since the identified insert 2 of Benedikt et al. includes a single external valve seat, but otherwise fails to include any other valve surfacing features, Applicants' claims can not be properly misread onto the Benedikt et al. disclosure. Therefore, Applicants again respectfully request that the outstanding §102(b) rejections be withdrawn.

With regard to claims 9 and 10, they stand objected to as being dependent upon a rejected base claim. In response, Applicants have amended claims 9 and 10 into independent form, and respectfully requests that they now be shown as allowable. A check in the amount of \$172.00 is included to cover the excess independent claim fees. However, the Director is authorized to charge any underpayment or credit any overpayment, to deposit account number 500226.

Claims 11-14 were also shown as being objected to, supposedly for being dependent upon a rejected base claim. However, Applicants respectfully point out that claims 11 and 12 were amended into independent form in response to a previous Office Action, and thus should have been shown as being allowable in the current office action communication. Therefore, Applicants respectfully request that claims 11-14 now be shown as being allowable over the art of record.

Claims 15 has been amended to depend from claim 10, which should now be shown as allowable, along with claim 16 that depends therefrom.

With regard to claim 21, Applicants have amended that claim to make it clear that the injector body includes a valve seat, and that the needle valve member moves into an out of contact with the valve seat to open and close the second nozzle outlets. There should be no dispute that neither Benedikt et al., nor any of the other references of record,

show Applicants claimed to nozzle outlet sets along with the particulars of Applicants' innovative needle valve member. Therefore, Applicants respectfully request that the outstanding §102(b) rejections against claim 21 and any of its dependent claims be withdrawn.

This application is now believed to be in condition for allowance of claims 8-16 and 21-31. However, if the Examiner believes that some minor additional clarification would put this application in even better condition for allowance, the Examiner is invited to contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MB McNeil', with a stylized flourish at the end.

Michael B. McNeil

Reg. No. 35,949